

**STATEMENT OF
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BEFORE THE

**HOUSE COMMITTEE ON ENERGY & COMMERCE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

U.S. HOUSE OF REPRESENTATIVES

**TIMEOUT: EVALUATING SAFETY MEASURES IMPLEMENTED TO PROTECT
ATHLETES**

October 18, 2023

Good afternoon, Chairman Griffith, Ranking Member Castor and members of the Subcommittee. Thank you for the opportunity to talk about the U.S. Soccer Federation's views on the U.S. Center for SafeSport.

My name is Mana Shim. I'm the Chair of the U.S. Soccer Federation Participant Safety Task Force and I'm a professional soccer player in the National Women's Soccer League (NWSL), currently playing for NJ/NY Gotham FC. In 2015, when I was playing pro soccer in Portland for the Portland Thorns, I was sexually harassed by my coach.

My experience is not unique. I am, however, fortunate to have the opportunity to take on a problem that has been going on for too long and has affected too many athletes in too many sports, from the youth level all the way to the professional leagues.

Like so many other athletes who have endured harassment and abuse, I didn't feel like there was anything I could do to stop it because of the power imbalance that exists between player and coach. Because my coach determined whether I started and how much I played, he effectively controlled the trajectory of my career.

I had worked my entire life to become a professional soccer player. It was the thing I wanted more than anything. It felt so hard to push back, because the person who was sexually harassing me was also the person who could take away everything I had worked for.

It didn't help that neither the team I played for, nor the league had any sort of anti-harassment policies in place at the time.

I eventually confronted my coach, and I was able to put an end to the harassment. But what I was unable to do at the time was what I wanted to do most, which was stop him from abusing other players. I reported what had happened to me to my team and the NWSL, who informed U.S. Soccer. I thought these organizations would protect me. But instead, they went out of their way to protect my coach. He left the Thorns but was hired just a few months later to coach another team where we now know his abusive behavior continued. He went on to coach soccer for five more years.

I retired from professional soccer in 2018 and went home to Hawaii to attend law school. While I was there, I received a call from a former teammate, Sinead Farrelly, who told me that she had been sexually harassed by the same coach. She also told me about other players who had similarly been victimized.

We decided that something had to be done. So, along with a group of attorneys from TIME'S UP, we developed an anti-harassment policy to present to the NWSL. We also asked the league to conduct a real investigation into our coach's behavior, because he was still coaching other athletes, and we were afraid for them.

When the league declined to take our request seriously, we felt that we had no choice but to go to the press. When The Athletic ran its story on September 30, 2021, the result was an outright reckoning in professional women's soccer. All NWSL matches were postponed, other

players spoke up about abuse from many more coaches, and the league agreed on the first-ever collective bargaining agreement to finally begin to empower players who had been silenced for too long.

Almost immediately after The Athletic ran the story, U.S. Soccer hired former Deputy Attorney General Sally Yates to conduct an independent investigation into allegations of abusive behavior and sexual misconduct in women's professional soccer. Ms. Yates and her team spent a year interviewing more than 200 players and reviewing hundreds of thousands of documents before issuing their report on October 3, 2022.

To many people, the widespread, systemic abuse Ms. Yates and her team found was shocking. To me, it was heartbreaking, but I wasn't surprised. They found that the abuse in our sport was rooted in youth soccer. As professional players, we had all been conditioned since we were kids to believe that the mistreatment we experienced was okay, and normal.

Ms. Yates made it clear that our younger players are at risk, and that if we don't address this problem now, it will only get worse.

The Yates Report also noted something else very important: the U.S. Center for SafeSport, which was created to protect athletes of all ages, including those younger players, doesn't have the tools it needs to do its job. Ms. Yates found evidence to suggest that SafeSport is failing the very athletes that it was designed to protect. The situation is so dire that Ms. Yates affirmatively stated that leaders in soccer "can't rely exclusively on SafeSport to keep players safe and should implement safety measures where necessary to protect players."

That statement should be a wake-up call to everyone in sport and to every member of Congress. SafeSport should be central to our efforts to keep athletes of all ages safe. The fact that U.S. Soccer is being told we can't rely on this important, Congressionally sanctioned

organization to effectively carry out investigations into allegations of abuse is startling. While U.S. Soccer and other national governing bodies (NGBs) for other sports can take certain limited actions to protect players, the reality is that our ability to address allegations of sexual misconduct and other forms of abuse are limited by current law, which gives SafeSport, despite its shortcomings, exclusive jurisdiction over these allegations.

For examples, look no further than some of the NWSL coaches who were accused of sexual misconduct in 2021. Ms. Yates found that two of them, including my former coach, had been previously reported to SafeSport by others in the past, before I or any other NWSL players ever spoke up publicly. She found that SafeSport had administratively closed a previous investigation against my former coach in 2020, taking no action against him and allowing him to continue coaching pro and youth players.

SafeSport is now investigating my allegations against my coach in Portland, as well as those made by many other former players, but more than a year after the Yates Report was released and two years after Sinead and I first spoke up, SafeSport has yet to conclude that investigation. And as USA Today reported, SafeSport actually instructed U.S. Soccer to lift a temporary ban against another former NWSL coach who was accused of sexual harassment and coercion by youth players. That coach is now permitted to be involved in youth soccer with some restrictions while the investigation is pending.

I fully believe the intentions behind the creation of SafeSport were good. SafeSport was established by an Act of Congress in response to the abuse scandal that rocked USA Gymnastics. Although Congress passed reform legislation only two years later, even those members of Congress who led this effort agree that more needs to be done. This is why I have spent so much of my time over the past year meeting with members of Congress and their staff to advocate for

legislation to make important changes to the system to ensure that allegations of abuse are taken seriously, and that bad actors – like my coach in Portland – are actually held accountable for their actions.

Any legislation taken up by Congress must address specific issues that we, at U.S. Soccer, have experienced with the SafeSport process.

First, we need increased transparency by SafeSport. The lack of information sharing is standing in the way of protecting athletes from abuse. If SafeSport does not share information about the allegations it receives, its investigative process, or any findings it might make, we cannot develop an understanding of what appropriate safety measures can and should be instituted.

Second, we need to limit the number of SafeSport investigations that end in administrative closure. Administrative closure is when SafeSport closes a matter without any findings, resolution on the merits, sanctions, or public record of the allegations. The administrative closure process leaves parties in limbo indefinitely or, worse, allows sexual predators to fall through the cracks and remain in the sport without restriction. This problem is made worse by the sheer volume of cases SafeSport “resolves” in this manner. In soccer, approximately 89% of all cases involving sexual misconduct with no criminal disposition are administratively closed.

Third, we need to ensure that U.S. Soccer and other NGBs can take action when SafeSport does not. When SafeSport administratively closes a matter, it maintains exclusive jurisdiction. If an NGB like U.S. Soccer tries to take any sort of action to protect athletes, SafeSport will report them to Congress and initiate an investigation against the NGB. We believe that NGBs should be allowed to conduct their own inquiries in cases following an administrative

closure so they can make informed decisions about what measures must be taken to ensure abuse does not occur in the future.

Finally, we need to ensure the appeals process works for claimants and respondents alike. SafeSport's appeals process gives respondents who are found to have engaged in harassment or abuse the right to an entirely new fact-finding process. Rather than rely on the record of the original investigation, victims of abuse who were brave enough to participate in an investigation are forced to go through the process all over again. In cases where the victim is unwilling to participate in a second proceeding, SafeSport has vacated its findings, or arbitrators have overturned SafeSport's decisions, resulting in SafeSport lifting sanctions against abusers, even after they had been found by substantial evidence to have committed sexual misconduct.

There have been questions about whether SafeSport has adequate resources or if the organization should be subject to another layer of oversight. While additional funding and more oversight may be helpful, these things alone are not enough. Either one (or both) must be coupled with concrete reforms to SafeSport's processes, otherwise we are not going to get to the heart of the problem.

It is important to note that U.S. Soccer didn't go straight to Congress after the Yates Report was released. We went to SafeSport first, hoping we could address these issues in a collaborative way. U.S. Soccer sent a letter to SafeSport in December of 2022 to explain our concerns and then met with SafeSport leadership in Colorado, where they're based, to talk about how we could work together to address shortcomings in SafeSport policies and procedures. Despite our attempts to engage with SafeSport directly, we have not had success convincing them that change is necessary, and that's why I'm sitting here.

While U.S. Soccer has spent a lot of time advocating for legislation, it is not the only thing we are doing.

As the national governing body for soccer, a top priority for U.S. Soccer is participant safety at all levels of the game. In line with that commitment, U.S. Soccer has taken comprehensive action to enact meaningful change that will make soccer safer for everyone, while also prioritizing transparency in our efforts. This includes the following actions taken by U.S. Soccer:

Dedicated Yates Implementation Board Committee, Participant Safety Task Force and Office of Participant Safety

In 2022, U.S. Soccer established the Yates Implementation Committee of the Board of Directors and the Participant Safety Task Force. Both the Committee and Task Force are focused on ensuring U.S. Soccer and its members are at the forefront of safeguarding and are continuing to urgently work together to rollout measures aimed at creating safe playing environments for everyone involved in our sport. Also in 2022, U.S. Soccer established a new Office of Participant Safety, taking a two-pronged approach to participant safety efforts: 1) prevention, education and training, and 2) reporting and response, inclusive of U.S. Soccer's conduct policies and reporting mechanisms.

Safe Soccer Clearance Program

Over the last several months, U.S. Soccer staff and members of the Participant Safety Task Force have been working on the development of a first-of-its-kind Safe Soccer Clearance program, redefining the processes and criteria used to determine participation eligibility in soccer. The Safe Soccer program will standardize safeguarding through a thorough, continuous vetting system that will prohibit bad actors from participating in soccer.

At the heart of the program is a departure from the historical red-light system that removes bad actors after an incident of misconduct, to a green-light system that ensures participants are cleared and have proper training before participating. This program will allow U.S. Soccer and member organizations to work together to keep bad actors out of the game and will create a national minimum standard of safeguarding that is of benefit to all U.S. Soccer members.

Revisions to Pro League Standards

At U.S. Soccer's Annual General Meeting in March 2023, U.S. Soccer adopted amendments mandating additional safeguarding protection into its Pro League Standards, which govern all professional leagues affiliated with U.S. Soccer, including Major League Soccer (MLS), the National Independent Soccer Association (NISA), the National Women's Soccer League (NWSL), the North American Soccer League (NASL) and the United Soccer League (USL). The updates to the Pro League Standards were developed in collaboration with the professional leagues and mandate additional safeguarding protections.

Collaboration with NWSL on Safeguarding

U.S. Soccer collaborated with the NWSL to support the implementation of many safeguarding changes ahead of the 2023 NWSL season, including the development of the NWSL's 2023 training program and list of required questions for inclusion on their player feedback survey.

Annual Safeguarding Reports

U.S. Soccer has committed to sharing annual safeguarding reports with the public. As U.S. Soccer's Office of Participant Safety continues to roll out new materials and programs, key

metrics will be reported on such as number of participants who have been Safe Soccer Cleared, average report response time and effectiveness of new education modules.

Publication of SafeSport's Centralized Disciplinary Database

U.S. Soccer published a live link to the soccer records from SafeSport's Centralized Disciplinary Database to publicly identify individuals in soccer who are currently subject to SafeSport discipline, suspended or banned. The SafeSport status of any participant can be searched on U.S. Soccer's website in real time by anyone involved in the sport.

Model Policies

U.S. Soccer has required all its members to implement and enforce the Model Minor Athlete Abuse Prevention Policy (MAAPP) and Model Prohibited Conduct Policy for all participants within their organizations. The MAAPP limits one-on-one adult/minor interactions and sets standards for training and sport settings that prevent abuse and misconduct. The Model Prohibited Conduct Policy sets clear standards for harassment, abuse, and other misconduct.

Creation and Distribution of Safeguarding Resources for Membership

U.S. Soccer has developed model Codes of Conduct for its member organizations outlining the appropriate behavior for coaches, parents, players, referees and team staff. The Codes of Conduct are available to all members, and member organizations may use these codes exactly as they are, or they may build off them as they see fit for their specific organization, setting the expectation of what each group can and cannot do in their soccer environments.

In U.S. Soccer's discussions with membership, one recurring theme has been the lack of definition around abuse and how the 'grey' areas make it very difficult for organizations to determine what the proper next steps or response should be. In an effort to help navigate that challenge, U.S. Soccer has developed Severity of Misconduct Matrixes for verbal, physical,

sexual, and other forms of misconduct. These matrixes are intended to be used as a guide and framework for categorizing misconduct and determining next steps, reporting requirements and appropriate discipline. Like the Codes of Conduct, the Severity of Misconduct Matrixes are available on the Participant Safety Hub and have been distributed to all membership.

U.S. Soccer is actively creating a Member Manual for the Resolution of Prohibited Conduct Reports. This resource will be shared on the Participant Safety Hub, and includes guidance on report intake, determining jurisdiction, responding to violations, and providing mentorship/coaching for when an individual falls short of expectations.

U.S. Soccer created the Participant Safety Hub on the U.S. Soccer website, which houses a number of participant safety resources, including U.S. Soccer's Code of Conduct and reporting hotline information. U.S. Soccer continuously updates the Participant Safety Hub with the latest safeguarding resources.

U.S. Soccer will continue doing everything it can to protect athletes of all ages from harassment and abuse. But the fact is that SafeSport is an essential and valued partner in our shared mission to keep athletes safe. It is imperative that we address the flaws in SafeSport that failed to protect soccer players and other athletes across the country who courageously came forward to share their personal stories of abuse.

We need Congress to pass legislation to eliminate the current barriers created by SafeSport, and to ensure this important organization is able to provide safe, healthy environments for athletes. U.S. Soccer stands ready to work with you to accomplish these important objectives.